US Army Corps of Engineers.

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 23394S DATE: April 9, 1998
RESPONSE REQUIRED BY: May 9, 1998

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197 PROJECT MANAGER: Philip Shannin TELEPHONE: (415) 977-8445 Email: pshannin@smtp.spd.usace.army.mil

1. **Introduction:** The East Bay Regional Park District (EBRPD), 2950 Peralta Oaks Court, Oakland, California 94605-0381 has applied for a Department of the Army Regional General Permit to perform various maintenance activities in and adjacent to water systems located throughout the East Bay Regional Parks, in Contra Costa and Alameda Counties. This application is being processed pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. **Project Description:** As shown in the attached drawings (Figure 1), the applicant plans to perform various maintenance activities throughout the East Bay Regional Parks. These activities include culvert replacement, maintenance of existing structures, road crossings, bank stabilization, maintenance dredging and minor discharges of fill material. Routine maintenance projects involving streams, lakes, ponds, bay shoreline or wetlands are generally identified at the field level either by park operations staff intimately familiar with their park's infrastructure or by other park staff during annual surveys conducted by Operations Department managers. An "Operations Work Request Form" is filled out for each of these maintenance requests. Typical annual work requests are shown in Table 1. Generally, between 30-50 such projects are completed annually, depending upon the emergent need for repairs to be performed and funding constraints. The need for specific work requests is normally the result of stormwater related damage, channel downcutting, sedimentation buildup or other problems resulting from seasonal storms that typically cause channel and infrastructure damage throughout the Bay Area watersheds. Since the need to perform specific maintenance activities is based upon seasonal weather conditions, specific maintenance needs can only be predicted on a short term basis. For this reason, the US Army Corps of Engineers (USACE) will require the EBRPD to submit an annual list of projected maintenance activities, before the dry season begins. A second annual report, which explains what maintenance activities were actually performed during the dry season, will be required the following fall. The purpose of this work is to provide safe access, for the public and emergency vehicles, and maintain the EBRPD's natural resources. Maintenance work is expected to be required in 22 parks. Attached to this public notice is a table entitled "Table 1: 1997 East Bay Regional Park District Culvert and Stream Maintenance Projects". This table provides a list of sample maintenance activities that are expected to be needed within each park, during the next 5 years. In this table, the "multiple projects" projected to occur in Carquinez Park refer to the cleaning of 1 culvert, replacement of 2 culverts and the installation of approximately 17 new culverts.

3. **State Approvals:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. If the State Water Resources Control Board determines that this project is consistent with the California Water Quality Control Plan, requirements adopted by the Regional Board and Sections 301, 302, 303, 306 and 307 of the Clean Water Act, the State will issue a Certificate of Conformance with Water Quality Standards to the project proponent.

No Corps permit will be granted until the applicant obtains the required certification or waiver.

Those parties concerned with any water quality problems that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 2101 Webster Street, Suite 500, Oakland, California 94612, by the close of the comment period of this Public Notice.

The applicant has also been informed to contact the San Francisco Bay Conservation and Development Commission (BCDC) in order to ensure the project is consistent with the State coastal zone management program.

The California Department of Fish and Game (CDF&G) has already been contacted by the EBRPD, concerning the proposed maintenance activities. As a result, a Memorandum of Understanding has been created between CDF&G and EBRPD regarding streambed alteration notification and routine maintenance activities subject to Fish and Game Code Section 1601.

4. **Environmental Assessment:** Corps of Engineers has assessed the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Preliminary Environmental Assessment describes only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. The Environmental Matrix and other worksheets and supporting data used in the preparation of this Preliminary Environmental Assessment are on file in the South Section, Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California.

The Preliminary Environmental Assessment resulted in the following findings:

a. IMPACTS ON THE AQUATIC ECOSYSTEM

(1) Physical/Chemical Characteristics and Anticipated Changes

Drainage Patterns - Many blocked drainages would be restored by the proposed maintenance activities. Several projects call for the installation of culverts or the replacement of damaged or inadequate culverts, with new and/or larger culverts. This will allow them to handle heavier flows, and therefore provide better drainage, during storm events. The work required to install these culverts is expected to have minor negative short-term effects, due to the disturbance caused by construction activities. However, the work will allow for better streamflow in the creek beds, which is closer to the natural flow regimes of these waterways. Therefore, long term effects are expected to have neutral to positive minor impacts.

Streamflow - Many waterways have been partially filled, due to landslides off of the surrounding hills. This material will be removed, allowing streamflow to be restored to its normal pattern. Minor short term negative impacts are expected to occur as a result of the disturbance required to remove these debris piles. However, by returning the waterways to a more normal flow pattern, long term effects are expected to range from neutral to positive minor impacts.

(2) Biological Characteristics and Anticipated Changes

Wetlands (Special Aquatic Site) - Only those wetlands that are associated with creeks, streambeds, basins and stock ponds will be impacted during the course of maintenance activities. Vegetation will be removed in these wetlands, in order to provide access to the waterways where the maintenance activities will be performed. The removal of this vegetation will be performed during the dry season with heavy

machinery, such as crawlers and excavators. Mats will be used on soft substrates to ensure that no ruts are left by the machines. Short term impacts to wetlands are expected to be negative but minor. Since wetlands areas are expected to revegetate naturally from the seed pool already present in the parks, no long term impacts to wetlands are expected.

Pool and Riffle Areas (Special Aquatic Site) - Before any work is completed in a steam or creek, the project area will be evaluated for the presence of pool and rifle areas. If any of these areas are detected, the EBRPD will follow the guidelines provided to them by the California Department of Fish and Game, to prevent any possible negative impacts of their work. Therefore, no short or long term impacts are expected to occur in pool and riffle areas.

Endangered Species - Impacts may occur to federally listed endangered species, as a result of the proposed maintenance activities. Of particular concern is the impact of maintenance activities on the California red-legged frog and its habitat. The EBRPD has already contacted the U.S. Fish and Wildlife Service, in order to develop a habitat conservation plan to minimize the negative impacts of maintenance activities on endangered species and their habitats, within the EBRPD. Should it become necessary, the Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service as required by Section 7 of the Endangered Species Act.

Habitat for Fish, Other Aquatic Organisms, and Wildlife - Short term impacts of maintenance activities may reduce habitat area. Waterway habitat may be disturbed and some vegetation may be cleared. However, once the work is complete, aquatic habitat will be allowed to return to a natural state. Long term impacts are expected to be minimal.

b. IMPACTS ON RESOURCES OUTSIDE THE AQUATIC ECOSYSTEM

(1) Physical Characteristics and Anticipated Changes

Air Quality - Project activity would have minor, short-term impacts on air quality in the vicinity of the project site. Based on the relatively minor size of the proposed project and limited to an evaluation of air quality impacts only within Corps of Engineers' (Corps) jurisdictional areas, the Corps has determined that the total direct and non-direct project emissions would not exceed the de minimis threshold levels of 40 CFR 93.153. Therefore, the proposed project would conform to the State Air Quality Implementation Plan (SIP) for California.

Noise Conditions - Construction activity would have minor to major, short term impacts on the ambient noise levels in the project areas. Depending on the maintenance required, work may require the use of small or large machinery. However, since ambient noise levels will drop to pre-project levels after the work has been completed, no long term impacts are expected as a result of these activities.

(2) Socioeconomic Characteristics and Anticipated Changes

Aesthetic Quality - The proposed maintenance activities are expected to improve the aesthetic quality of the East Bay Regional Parks. The repair and replacement of blocked or inadequate culverts will allow water to flow, rather than pool in stagnant ponds. In addition, removal of material accumulated from landslides will clear waterways of debris piles, which are unsightly and can also block flow.

Public Health and Safety - The proposed maintenance activities will improve safety throughout the East Bay Regional Parks. Culvert maintenance and the clearing of debris from waterways will allow the waterways in the parks to have better water storage capacity and prevent the flooding of trails and roads. Stabilization of slump and slide areas will prevent further safety hazards which may result from future landslides. Bank stabilization activities will prevent erosion of streambanks which are located adjacent to trails, roads and bridges.

Recreational Opportunities - The proposed maintenance work would improve recreational opportunities in the East Bay Regional Parks, by insuring that trails and waterways are safe for recreational use. Maintenance dredging in marina areas will allow the continued use of these areas for recreational boating.

(3) Historic - Cultural Characteristics and Anticipated Changes

A Corps of Engineers' archaeologist will conduct a cultural resources assessment of the permit area, involving review of published and unpublished data on file with city, State, and Federal agencies. If, based upon assessment results, a field investigation of the permit area is warranted, and cultural properties listed or eligible for listing on the National Register of Historic Places are identified during the inspection, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

c. SUMMARY OF INDIRECT IMPACTS

None have been identified.

d. SUMMARY OF CUMULATIVE IMPACTS

Since all of the proposed maintenance activities are minor in scope and short term in impact, it is expected that there will be minimal adverse cumulative impacts from the proposed projects.

e. CONCLUSIONS AND RECOMMENDATIONS

Based on an analysis of the above identified impacts, a preliminary determination has been made that it will not be necessary to prepare an Environmental Impact Statement (EIS) for the subject permit application. The Environmental Assessment for the proposed action has, however, not yet been finalized and this preliminary determination may be reconsidered if additional information is developed.

5. **Alternatives Analysis:** Evaluation of this activity's impacts will include application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)).

6. **Public Interest Evaluation:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation,

water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. **Consideration of Comments:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

8. **Submission of Comments:** Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name, the number and the date of this Notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to: Lieutenant Colonel Richard G. Thompson, District Engineer, Attention: Regulatory Branch. It is Corps policy to forward any such comments, which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this Notice, or by contacting Philip Shannin of our office at telephone (415) 977-8445. Details on any changes of a minor nature, which are made in the final permit action, will be provided on request.

East Bay Regional Park District

Existing Parks and Trails

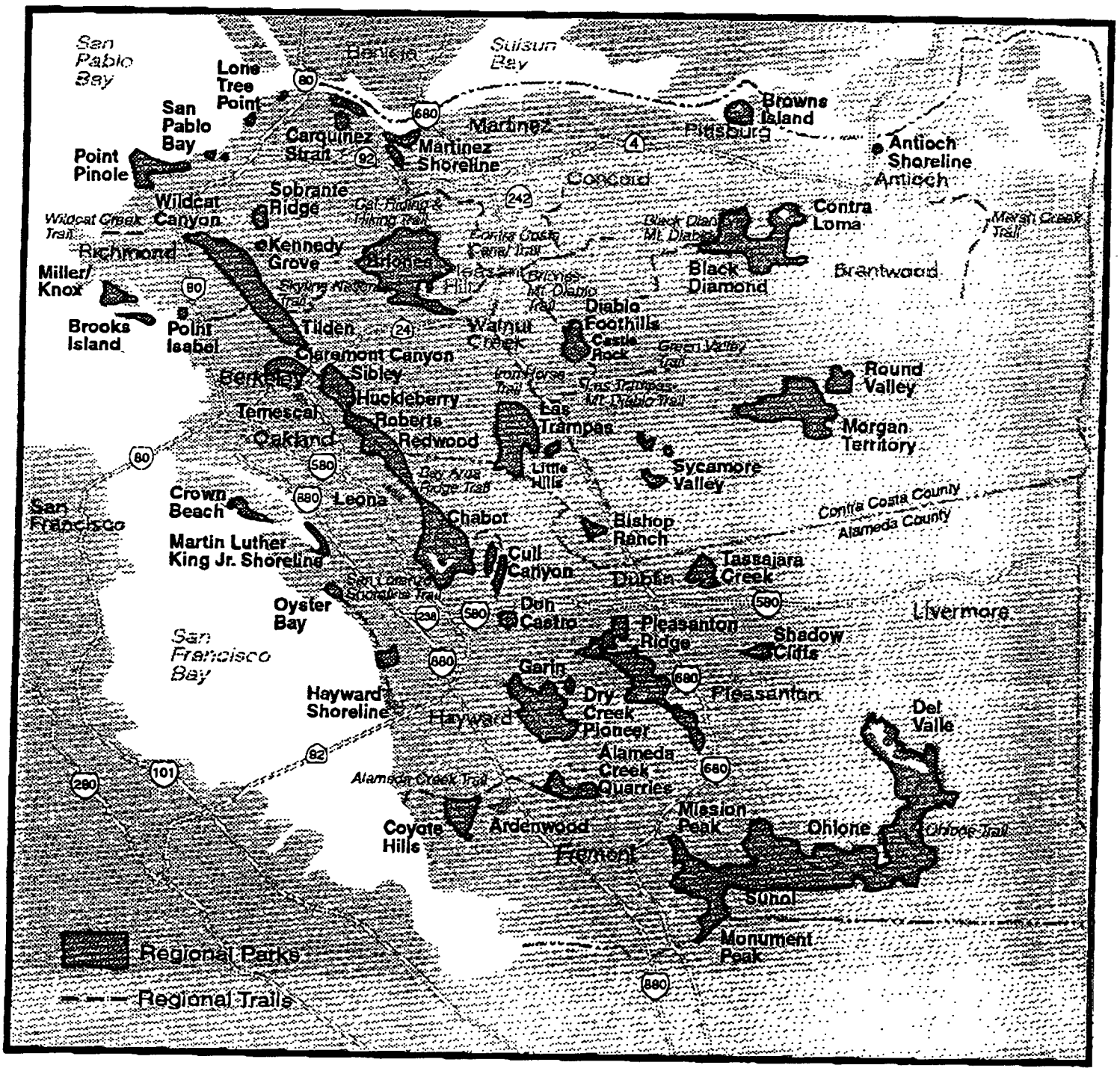

TABLE 1: 1997 EAST BAY REGIONAL PARK DISTRICT CULVERT AND STREAM MAINTENANCE PROJECTS

PARK	NEW CULVERT	CULVERT REPLACE	CULVERT CLEANING	STREAM EROSION REPAIR	PROJECT DESCRIPTION	NWP
Anthony Chabot				X	Major landslide/washout on Brandon Tr. near Grass Valley Cr. Needs engineered repair and drainage correction. Heavily used trail.	3,13
Anthony Chabot				X	Landslide damage to Redtail Tr. below Marciel Rd. Requires engineering before repair work.	3,13
Black Diamond		X		X	Multiple projects. Replace damaged culverts, route drainage away from road, remove failed dam restore original drainage	3,13,18,26
Briones				X	Alhambra Cr. lot entrance road repair washout next to entrance road, rebuild shoulder	13
Carquinez Shoreline		X	X		Multiple projects	3,31
Coyote Hills	X				Install culvert at intersection of West Side Bayview and Nike trails to prevent rainwater pooling in area.	14
Coyote Hills				X	Annual grading of fire trails.	3
Coyote Hills				X	Trail Cat work on Lizard Rock, Muskrat and Quail trails.	3
Coyote Hills				X	Slump/slide repair needed on two sections of Bayview Tr.	3

PARK	NEW CULVERT	CULVERT REPLACE	CULVERT CLEANING	STREAM EROSION REPAIR	PROJECT DESCRIPTION	NWP
Coyote Hills				X	Grading of uphill side of Bayview Tr. to allow water to drain toward culvert.	3
Coyote Hills	X			X	Culvert clean out on outflow side at various locations on Bayview Tr. Possible culvert extensions needed.	14,3
Del Valle		X	X	X	Remove slides and fill-in washouts at various locations with D6 Cat. Grade 24.4 mi. of fire roads.	3,14,31
Garin/Dry Creek				X	Base rock supporting north wing wall on 5th vehicle bridge on Meyer's Ranch Tr. eroding. 60% of wing wall is hanging above streambed with dirt on downstream side eroding into creek. Potential bridge collapse on fire road used by heavy vehicles.	13
Garin/Dry Creek		X			Replace rotted culvert on High Ridge Loop Tr. to avoid eventual collapse and accidents with grazing tenant.	3
Huckleberry				X	Refill eroded soil above culvert to restore fire trail.	13
Lake Chabot		X	X		12 culverts need dipping; culvert at Marina needs cleaning.	3,14,31
Lake Chabot		X			Culvert at Bullfrog Landing is undersized and needs replacing.	3
Lake Chabot				X	Dredge area adjacent to kayak/canoe launch dock at Marina between shoreline and dock where it has become shallow due to siltation.	35

PARK	NEW CULVERT	CULVERT REPLACE	CULVERT CLEANING	STREAM EROSION REPAIR	PROJECT DESCRIPTION	NWP
Lake Chabot			X		Remove silt from entrance/exit of East Shore Tr. and Marina Culvert.	31
Las Trampas				X	Remove slides, grade washouts, fill sink hole. For emergency vehicle and maintenance access and trail safety for public use.	3,13
Leona Open Space		X		X	Water from creek flows onto trail, washed out culvert.	3,13
Leona Open Space		X		X	Repair storm damaged fire roads, water washing out road, landslide blocking road.	3,13
Martin Luther King Jr. Shoreline		X			Possible culvert replacement at Tidewater Tr. depending on construction on East Bay Lumber property.	14
Martinez Shoreline			X	X	Dredge North Ferry St. Cr. to alleviate City concerns; clear existing culvert.	31,3
Oyster Bay					205+ culverts on site--no projects currently scheduled--park staff maintains.	3
Pleasanton Ridge			X	X	4 culverts need clean out or repair. Spring road grading at fords as needed.	3,13
Point Pinole		X			Culvert too small for storm flows--Pt. Pinole Rd.	3
Point Pinole				X	Repair broken/cracked culvert.	3
Point Pinole			X	X	Clean out culvert and drainage channels--Hercules Tr.	3,18

PARK	NEW CULVERT	CULVERT REPLACE	CULVERT CLEANING	STREAM EROSION REPAIR	PROJECT DESCRIPTION	NWP
Point Pinole				X	Repair hole next to disabled drinking fountain, install catch basin for 2 culvert pipes.	3,13
Redwood				X	Repair supporting abutment of Trails End bridge which has been eroded and undermined.	13
Redwood		X		X	Repair storm damage erosion to large culvert at Girl's Camp and Stream Tr.	3,13
Redwood				X	Repair storm damaged vehicle crossing at the fishway, road crossing undermined and collapsed.	13
Sibley		X	X		Repair or replace broken culvert broken in half. Erosion threat to fire trail.	3,13
Sibley	X				Install culverts where stream has eroded section of Skyline Tr.; cut ditch to old culvert.	3,13
Sunol				X	Downstream "swim dam" foundation undercut by Alameda Cr. and is hazard.	3,13
Sunol/Ohlone/ Mission Peak	X			X	3-7 year program to install 52 culverts in areas needing them to minimize road maintenance grading needs.	3,13,14
Wildcat Canyon			X	X	Culvert draining Havey Cyn. silted in causing water to run across Wildcat Creek Tr. May require grading and re-armor with rock.	3,13

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